

REMARKS

Claims 1 through 10, 12 through 17 and 19 through 22 are now pending in the application. Claim 12 has been amended. Bases for the amendments can be found throughout the application, claims and drawings as originally filed and as such, Applicant submits that no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ALLOWABLE SUBJECT MATTER

The Examiner has stated on page 2 of the above-referenced Office Action that Claims 1 through 10 and 19 through 22 have been allowed.

OFFICE ACTION SUMMARY

Applicant notes that the Office Action Summary of the above-referenced Office Action does not indicate that Claims 21 and 22 are pending in the application or that Claims 21 and 22 have been allowed.

REJECTION UNDER 35 U.S.C. § 112

Claims 12 through 17 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner has rejected Claim 12 stating that the words “a bore in” add new matter to the present application. Claims 13 through 17 stand rejected for incorporating Claim 12 by reference. This rejection is respectfully traversed.

Applicant notes that the section of the present application entitled "BACKGROUND OF THE INVENTION" describes the container (30) as including a hollow sleeve (80) that is configured to receive therein a billet (82) of a suitable material. (page 4, paragraph [0008]). Applicant also notes that Figure 10 illustrates the container (30), a three-jaw chucked to the bore of the container (30), and the axis (334), which is the axis of the bore. Applicant further notes that a person of ordinary skill in the art would understand that in the example provided, the "axis of the container" is the axis of the bore in the container. Accordingly, Applicant submits that the rejection of Claim 12 under 35 U.S.C. §112, first paragraph is improper.

Nevertheless, Applicant has amended Claim 12 to delete the words "a bore in". Applicant notes that the amendment to Claim 12 moots the rejection under 35 U.S.C. §112, first paragraph and as such, Claim 12 is in condition for allowance.

Applicant reminds the Examiner that MPEP 2163.06 provides that "[the] examiner should still consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant." As no other basis was set out by the Office for the rejection of Claim 12, Applicant respectfully submits that the elimination of the words "a bore in" from the claim must necessarily place the claim in condition for allowance.

Moreover, Applicant notes that the amendment to Claim 12 reduces or simplifies the issues for appeal and as such, should be entered.

Applicant submits that Claims 13 through 17 are in condition for allowance for the reasons set forth for Claim 12, above.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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